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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,919

12/22/2003

David Carroll Challener

RPS920030244US1

8405

63203 7590 06/03/2009

ROGITZ & ASSOCIATES  
750 B STREET  
SUITE 3120  
SAN DIEGO, CA 92101

EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT

PAPER NUMBER

2439

MAIL DATE

DELIVERY MODE

06/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10748919	12/22/03	CHALLENGER ET AL.	RPS920030244US1

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**EXAMINER**

MICHAEL J. SIMITOSKI

ART UNIT	PAPER
2439	20090602

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

1. The Board of Patent Appeals and Interferences affirmed the rejection(s) against independent claim(s) 1, 7, 14 & 19, but reversed all rejections against claim(s) 3, 6, 16 & 21 dependent thereon. There are no allowed claims in the application. The independent claim(s) is/are cancelled by the examiner in accordance with MPEP § 1214.06. Applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter in which to present the dependent claim(s) in independent form to avoid ABANDONMENT of the application. It is noted that claims 4 & 17 are alternative embodiments to claims 3 & 16, respectively; if the independent claims are amended to include the subject matter of claims 3 & 16, claims 4 & 17 will be indefinite. NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED. Prosecution is otherwise closed.

/Michael J Simitoski/  
Primary Examiner, Art Unit 2439